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Letter dated 9 February 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Togo to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a memorandum on the handling of the situation resulting from the sudden death of President Gnassingbe Eyadema.

I should be grateful if you would have this letter and its annex issued as a document of the fifty-ninth session of the General Assembly under agenda item 35.

(*Signed*) Kodjo **Menan**
Chargé d'affaires a.i.

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Annex to the letter dated 9 February 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Togo to the United Nations addressed to the Secretary-General

Memorandum on the handling of the situation resulting from the sudden death of President Eyadema

Lomé, 8 February 2005

On Saturday 5 February 2005, the President of the Republic, Gnassingbe Eyadema, who was being taken out of the country for emergency treatment, passed away.

When the Prime Minister announced the sad news at around 7 p.m. GMT, a feeling of general panic swept through the population for this sudden death left a great void.

The announcement came as such a shock that the streets quickly emptied and the leaders of the institutions of the Republic decided to hold a meeting to see what could be done. They soon realized that there was nothing they could do given that Fambaré Ouattara Natchaba, President of the National Assembly, was not in Togo. The Constitution made no provision for such a scenario.

Against this background of widespread alarm and in an effort to preserve the unity of the armed forces and security forces and thereby preserve national stability and security, senior military officials held consultations to consider how best to safeguard civil order — the late President's most precious legacy — in a region already in turmoil.

At the same time, the leaders of the Rassemblement du Peuple Togolais, the ruling party, undertook consultations to determine what to do now that the Head of State was dead and the President of the National Assembly was away.

The one thing on which everyone agreed as a result of these consultations had to do with the qualifications and personality required of whoever would be called on, in accordance with article 65 of the Constitution, to fill in as President of the Republic.

It was also stressed that that person must be someone who could get people to unite and be conciliatory.

The prolonged absence of the President of the National Assembly, even though he had been specifically invited to return and even though all the other members of his delegation had already come back, had heightened the feelings of uncertainty and insecurity.

For several years already, the question of who would succeed President Eyadema had been raised at both the national and international level and concerns had been expressed, given the political situation in Togo.

Faure Gnassingbe's name had been mentioned several times as someone who would be capable of taking on the duties of President of the Republic at some point.

It was in that context that the armed forces and security forces, considering themselves to be the guarantors of peace, unity and territorial integrity, proposed the

name of Faure Gnassingbe to fill the vacuum left at the top. Meanwhile, the Prime Minister undertook to refer the matter to the Constitutional Court so that the latter could certify the vacancy.

For his part, the first Vice-President of the National Assembly swiftly called a special meeting so that members of Parliament could consider the situation.

After a brief debate, Parliament decided unanimously to relieve its absent President of his duties.

Faure Gnassingbe, who had been elected a member of the National Assembly in the legislative elections of October 2002 before being appointed Minister, resigned from the Government and resumed his seat; he was then elected President of the National Assembly and thus temporarily assumed the duties of President of the Republic.

In view of all that had to be done and the difficulties stemming from the political climate in Togo, members of Parliament felt that the two months provided for under the Constitution for organizing Presidential elections was clearly not enough and that it was unrealistic to think that that could be done given the particular situation in Togo. They therefore amended the provisions of article 65 of the Constitution so as to give the President of the Republic enough time to deal with the many challenges facing the country.

As the President himself announced at the time of his election, the Government plans to complete the process of democratization and openness started by the late President; it will make sure that legislative and local elections are held and will then turn, as soon as possible, to organizing the Presidential elections.